PATENT

Atty Docket No.: 100111713-1
App. Ser. No.: 10/074,734

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks.

Claims 1, 4, 5, 7, 18, 23, and 26 have been amended. Support for the amendments may be found on page 5, lines 21-26 and page 7, lines 14-18. Therefore, claims 1, 3-5, 7-14, and 18-26 are pending, of which claims 1, 5, 18, 23, and 26 are independent.

No new matter has been introduced by way of the claim amendments or additions; entry thereof is therefore respectfully requested.

Claims 1, 3, 5, 23, 25, and 26 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi et al (6,424,795) ("Takahashi") in view of Parulski et al (6,310,647) ("Parulski").

Claims 4, 7, 12-14, 18, and 24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi in view of Parulski in view of Green et al (6,970,640) ("Green").

Claim 8 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi in view of Parulski in view of Eiref et al (6,975,809) ("Eiref") and Nonomura et al (6,907,188) ("Nonomura").

Claim 19 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi in view of Parulski in view of Green in view of Eiref and Nonomura.

Claims 9-11 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi in view of Parulski in view of Nonomura.

Claims 20-22 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi in view of Parulski in view of Green in view of Nonomura.

These rejections are respectfully traversed.

Examiner Interview Conducted

The Applicants' representative would like to thank Examiner Chowdhury and Supervisor Tran for the courtesies extended during the personal interview conducted on February 7, 2006. During the interview, the Applicants' representative explained that the prior art of record, specifically Parulski, failed to teach or suggest transcoding a single frame into a sequence of frames, as claimed. In contrast, Parulski refers to a program called "FlashPix," which tiles an image into small image sections. Examiner Chowdhury contended that the claims, when given their broadest reasonable interpretation, could be interpreted to include the invention of Parulski. Examiner Chowdhury suggested including the word "same" to describe the sequence of frames, thereby overcoming the current rejections, because the tiles of Parulski are different from each other. Accordingly, the claims have been amended herein to include language similar to that suggested by Examiner Chowdhury. The language of the claim amendments was taken directly from the originally filed specification on page 7, lines 14-18. Specifically, the independent claims recite a "zero difference" between the key frame and the dummy frames.

Claim Rejections Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference

> or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1, 3, 5, 23, 25, and 26 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi in view of Parulski. This rejection is respectfully traversed because Takahashi and Parulski, taken alone or in combination, fail to teach or suggest the features of independent claims 1, 5, 23, and 26, and the claims that depend therefrom.

Independent claims 1, 5, 23, and 26 recite features describing:

> wherein the sequence of frames includes the key picture frame and dummy frames that indicate zero difference between the key picture frame and the dummy frames.

Takahashi and Parulski fail to teach or suggest at least this feature. The Office Action previously relied on Parulski as allegedly providing a teaching of transcoding a single image into a sequence of frames. However, Parulski discloses software known as "FlashPix," which tiles an image into small image sections. See column 2, lines 46-50 of Parulski. FlashPix does not suggest creating dummy frames that indicate zero difference between the key picture frame and the dummy frames, because the tiles of Parulski are all different from each other, as agreed upon during the personal interview. Therefore, Parulski fails to teach or suggest

this feature of independent claims 1, 5, 23, and 26. Accordingly, withdrawal of this rejection and allowance of the claims is respectfully requested.

Claims 4, 7, 12-14, 18, and 24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi in view of Parulski in view of Green.

This rejection is respectfully traversed because Takahashi and Parulski, taken alone or in combination, fail to teach or suggest the features of independent claims 1, 5, 18, and 23, as set forth above. Green fails to cure the deficiencies of Takahashi and Parulski. Therefore, claims 4, 7, 12-14, and 24 are allowable, at least, by virtue of their respective dependence on independent claims 1, 5, and 23.

Similarly, independent claim 18 recites:

> wherein the MPEG2 sequences includes the key picture frame and dummy frames that indicate zero difference between the key picture frame and the dummy frames.

Takahashi and Parulski fail to teach or suggest, at least, this feature, as set forth above, and Green fails to cure the deficiencies of Takahashi and Parulski. Accordingly, the cited documents of record fail to teach or suggest this feature and withdrawal of this rejection and allowance of the claims is respectfully requested.

Claim 8 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi in view of Parulski in view of Eiref and Nonomura.

This rejection is respectfully traversed because Takahashi and Parulski, taken alone or in combination, fail to teach or suggest the features of independent claim 5, from which claim 8 depends, for the reasons set forth above. Eiref and Nonomura fail to cure the deficiencies

of Takahashi and Parulski. Therefore, claim 8 is allowable, at least, by virtue of its dependence on independent claim 5. Accordingly, withdrawal of this rejection and allowance of the claim is respectfully requested.

Claim 19 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi in view of Parulski in view of Green in view of Eiref and Nonomura.

This rejection is respectfully traversed because Takahashi, Parulski, and Green, taken alone or in combination, fail to teach or suggest the features of independent claim 18, from which claim 19 depends, for the reasons set forth above. Eiref and Nonomura fail to cure the deficiencies of Takahashi, Parulski, and Green. Therefore, claim 19 is allowable, at least, by virtue of its dependence on independent claim 18. Accordingly, withdrawal of this rejection and allowance of the claim is respectfully requested.

Claims 9-11 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi in view of Parulski in view of Nonomura.

This rejection is respectfully traversed because Takahashi and Parulski, taken alone or in combination, fail to teach or suggest the features of independent claim 5, from which claims 9-11 depend, for the reasons set forth above. Nonomura fails to cure the deficiencies of Takahashi and Parulski. Therefore, claims 9-11 are allowable, at least, by virtue of their dependence on independent claim 5. Accordingly, withdrawal of this rejection and allowance of the claim is respectfully requested.

Claims 20-22 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takahashi in view of Parulski in view of Green in view of Nonomura.

This rejection is respectfully traversed because Takahashi, Parulski, Green, and Nonomura, taken alone or in combination, fail to teach or suggest the features of independent claim 18, from which claims 20-22 depend, for the reasons set forth above. Therefore, claims 20-22 are allowable, at least, by virtue of their dependence on independent claim 18. Accordingly, withdrawal of this rejection and allowance of the claim is respectfully requested.

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Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: February 16, 2007 By

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